

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

CARMEN LARSON,

CV 05-1769-ST

Plaintiff,

ORDER

v.

TILLAMOOK YOUTH AUTHORITY
ACCOUNTABILITY CAMP; STATE
OF OREGON; and ANDY WYATT,
TERRY YOUNKIN, and BRIAN
FLORIP, each individually
and in their official
capacities,

Defendants.

MARSH, Judge.

Magistrate Judge Stewart filed her Findings and
Recommendation on February 23, 2007. The matter is now before
me pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P.
72(b).

When either party objects to any portion of the Magistrate
Judge's Findings and Recommendation, the district court must make
a de novo determination of that portion of the Magistrate Judge's

report. See 28 U.S.C. 636(b)(1)(C); McDonnell Douglas Corp. v. Commodore Business Machines, Inc., 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982).

When no objections are filed to the Magistrate Judge's Findings and Recommendation, as is the case here, the district court may assume the correctness of the findings of fact and decide the motion based on the applicable law, reviewing the legal principles de novo. See §636(b)(1)(c); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation (#69).

IT IS SO ORDERED.

DATED this 6 day of April, 2007.

/s/ Malcolm F. Marsh
Malcolm F. Marsh
United States District Judge